

JUDICIAL PERFORMANCE EVALUATION COMMISSION

AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill amends provisions related to the Judicial Performance Evaluation Commission Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ includes justice court judges as subject to an evaluation process performed by the Judicial Performance Evaluation Commission; and
- ▶ creates the criteria for the evaluation of justice court judges under the direction of the Judicial Performance Evaluation Commission.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-12-102, as enacted by Laws of Utah 2008, Chapter 248

ENACTS:

78A-12-207, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

30 Section 1. Section 78A-12-102 is amended to read:

31 **78A-12-102. Definitions.**

32 As used in this chapter:

33 (1) "Commission" means the Judicial Performance Evaluation Commission established
34 by this chapter.

35 (2) [~~"Judge"~~] Except as provided in Section 78A-12-207, "judge" means a state court
36 judge or a state court justice who is subject to a retention election.

37 (3) "Justice" means a judge who is a member of the Supreme Court.

38 (4) "Justice court judge" means a judge appointed pursuant to Title 78A, Chapter 7,
39 Justice Court.

40 Section 2. Section 78A-12-207 is enacted to read:

41 **78A-12-207. Evaluation of justice court judges.**

42 (1) The Judicial Performance Evaluation Commission shall:

43 (a) conduct a performance evaluation for each justice court judge in the third and fifth
44 year of the justice court judge's term;

45 (b) classify each justice court judge into one of the following three categories:

46 (i) full evaluation;

47 (ii) midlevel evaluation; or

48 (iii) basic evaluation; and

49 (c) establish evaluation criteria for each of the three categories.

50 (2) A full evaluation justice court judge shall be subject to the requirements of the
51 Judicial Performance Evaluation Commission Act.

52 (3) A midlevel evaluation justice court judge shall be governed by the Judicial
53 Performance Evaluation Commission Act, except as provided below:

54 (a) an electronic intercept survey shall be administered by the commission periodically
55 outside the courtroom of the evaluated justice court judge in lieu of the survey specified in
56 Section 78A-12-204; and

57 (b) courtroom observation may not be conducted for midlevel evaluation justice court

58 judges.

59 (4) A basic evaluation justice court judge shall be governed by the Judicial
60 Performance Evaluation Commission Act, except as provided below:

61 (a) basic evaluation justice court judges shall comply with minimum performance
62 standards for judicial education, judicial conduct, cases under advisement, and any other
63 standards the commission may promulgate by administrative rule; and

64 (b) courtroom observation and surveys may not be conducted for basic evaluation
65 justice court judges.